

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv167**

RHONDA S. JONES,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
CBOCS, INC.,)	
)	
Defendant.)	
)	

THIS MATTER is before the court on the court's review of the docket. Such review reveals that counsel for plaintiff has failed to heed two notices sent by the Clerk of this court:

Notice to Jack A. Lyda: Pursuant to Local Rule 83.1 you are required to Register for ECF at www.ncwd.uscourts.gov. Deadline by 8/26/2010.
(ejb) (Entered: 08/16/2010)

and

NOTICE pursuant to Local Rule 16.1 you are required to conduct an Initial Attorney's Conference. At the conference, the parties are required to discuss the issue of consent to jurisdiction of a magistrate judge in accordance with Local Rules 16.1(A) and 73.1(C). The Certificate of Initial Attorneys Conference should be filed within 7 days of the conference. If appropriate, a party may file a Motion to Stay the Initial Attorney's Conference. (nll) Hard copy mailed to pltf's counsel. Modified text on 8/24/2010 (nll). (Entered: 08/24/2010)

Mr. Lyda has failed to comply with either deadline even though both deadlines ran

more than 30 days ago. Disobedience of notices sent by the Clerk of this court is not tolerated by the judges of this court, especially where the disobedience is by a licensed attorney.

While the court can understand being unfamiliar with federal practice and even not wanting to proceed in federal court upon removal, Mr. Lyda's options were to either comply with the directions of this court or seek to withdrawal -- doing nothing was not an option. Further compounding the problem is a representation from opposing counsel that Mr. Lyda is not returning calls.

This matter will, therefore, be set for a status of counsel hearing on October 8, 2010, at 10 a.m. Mr. Lyda will there explain why he has failed to comply with the directions of this court. Unless Mr. Lyda brings this action into full compliance by October 6, 2010, and this court cancels such hearing, Mr. Lyda will be personally responsible for any costs and fees incurred by defendant in attending such hearing if it is determined that he has willfully disobeyed such notices.

ORDER

IT IS, THEREFORE, ORDERED that a status of counsel hearing is **CALENDARED** for October 8, 2010, at 10 a.m. Mr. Lyda will there explain why he has failed to comply with the directions of this court.

Signed: September 30, 2010

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

